

REMARKS

Pursuant to the Office Action for the above-identified case mailed July 2, 2003, Applicants submit this Amendment. In this case, Claims 1 to 37 and 40 to 61 were pending previously. Claims 38 and 39 were canceled previously without prejudice or disclaimer. Claims 36, 37 and 51 to 56 were allowed, while Claims 1 to 35, 40 to 50 and 57 to 61 stand rejected. In this Response, Claims 1, 19, 57 and 59 have been amended. No new matter has been introduced by way of any of the amendments. A Check in the amount of \$55.00 is submitted herewith to cover the cost of a one month extension of time. Please charge Deposit Account 02-1818 for any additional fees that are deemed necessary.

In the Office Action, Claims 1 to 10, 19 to 21, 24, 25, 40 to 50 and 57 to 61 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,755,401 to Friederich et al. ("*Friederich*"). Claims 1 to 3, 5, 7 to 10, 19 to 21, 24, 25, 40 to 50 and 57 to 61 were rejected under 35 U.S.C. § 102(e) as being anticipated by published application US 2002/0028307 to Prevost ("*Prevost*"). Claims 11 to 18, 22, 23 and 26 to 35 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Friederich*, U.S. Patent No. 6,227,989 to Reid ("*Reid*") and in further view of U.S. Patent No. 4,044,179 to Haas Jr. ("*Haas*"). Claims 4, 6, 11 to 18, 22, 23 and 26 to 35 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Prevost*, *Haas* and *Reid*.

Applicants incorporate each of the remarks and arguments made previously into this Amendment. To repeat briefly, heretofore, it has been prohibitive to paint or otherwise mark natural grass at airports since grass grows, requiring mowing, which would destroy an airport marking provided thereon. The permanent nature of the synthetic grass of the present invention on the other hand enables airport markings to be permanently installed via colored fibers that collectively form the marking.

The markings can repeat similar or same markings on the paved structures of the airport or extend the markings from the paved structures outwardly so that, for example, a pilot who taxis the plane to a line can look out the window and see the line extending in one or both directions onto the artificial turf. A pilot or grounds person can also see the turf marking, which can be larger than the same marking on the pavement, ahead of an intersection or cross way, or ahead of a like pavement marking, and gain instructions therefrom. A pilot landing a plane can

see additional and perhaps larger landing markings pointing the pilot towards the runway. The airport markings provide many other similar uses.

Paragraph 7 of the Office Action states that the claims should be clarified to identify that the turf is installed along the runway/taxiway. Applicants believe that the claims as currently provided sufficiently recite such feature.

For example, Claim 1 as amended is directed to an artificial turf for providing a marking in an airport. The turf includes a backing and a plurality of base fibers secured to the backing. A plurality of marking fibers are secured to the backing so as to visually define at least a portion of an airport marking. The first marking fibers are located on the backing so that the turf installed along a runway or taxiway at the airport is so positioned and arranged that at least a portion of a like pavement marking appears on the runway or taxiway of the airport adjacent to the first marking fibers.

Applicants incorporate by reference each of the patentability arguments made previously for Claim 1 as well as for dependent Claims 2 to 8, 11, 12 to 17, 18 and 40 to 44 with respect to *Friederich* and *Prevost*, alone or in combination. Additionally, Applicants submit that Claim 1 has been clarified to require that the turf be installed along the runway. Applicants therefore respectively submit that Claim 1 and Claims 2 to 18 and 40 to 44 that depend from Claim 1 are in condition for allowance.

Turning now to Claim 19, Claim 19 as amended is directed to an artificial turf for providing a marking at an airport. The artificial turf includes a backing and a plurality of base fibers secured to the backing. The turf also includes a plurality of marking fibers secured to the backing so as to visually define at least a portion of an airport marking. The marking fibers have a different pigment than the base fibers. The marking fibers are located on the backing so that the turf installed along a runway or taxiway at the airport is sized and positioned proximate to the runway or taxiway to provide an aid to a pilot or ground personal for navigation through the airport.

Applicants incorporate by reference each of the patentability arguments made previously for Claim 19 as well as for dependent Claims 22, 23, 27 to 35, 45, 46 to 48 and 50 with respect to *Friederich* and *Prevost*, alone or in combination. Additionally, Applicants submit that Claim 19 has been clarified to require that the turf be installed along the runway and that the marking

provide an aid to the pilot or ground crew. Applicants therefore respectively submit that Claim 19 and Claims 20 to 36 and 45 to 50 that depend from Claim 19 are in condition for allowance.

Because Claims 1 and 19 as presented are patentable as set forth above, the obviousness rejection of Claims 11 to 18, 22, 23 and 26 to 35 in view of *Friederich, Haas and Reid* is rendered moot. Further, the obviousness rejection of Claims 4, 6, 11 to 18, 22, 23 and 26 to 35 in view of *Prevost, Haas and Reid* is rendered moot.

Turning now to independent Claim 57, Claim 57 is directed to an airport marking system. The system includes a backing installed adjacent to a runway or taxiway of an airport. A plurality of base fibers are secured to the backing. A plurality of marking fibers are secured to the backing. The marking fibers define at least a portion of an airport marking with respect to the base fibers. The airport marking is selected from the group consisting of: a runway holding position line, a taxiway holding position line, an instrument landing system boundary marking, an aircraft/safety vehicle holding position signal, an aircraft/safety vehicle direction signal and an aircraft/safety vehicle location signal. Additionally, the airport marking is sized and positioned proximate to the runway or taxiway to provide an aid to a pilot or ground personal for navigation through the airport

No reference cited discloses, teaches or suggests the installation of turf next to a runway or taxiway, wherein the turf itself defines an airport marking. No reference discloses using artificial turf marking fibers for the specific airport markings delineated in the Markush Group. Further, no reference discloses using artificial turf marking fibers as an aid for navigation. Those are structural limitations are not taught by the art of record. Applicants therefore respectfully submit that Claim 57 and Claim 58 that depends therefrom are patentably distinguished over *Friederich* and *Prevost*, alone or in combination. Furthermore, Claim 58 adds the limitation that the airport marking repeats a marking displayed on the runway or taxiway. This too, is absent in the art of record.

Newly added independent Claim 59 is directed to an airport marking system. In that claim, the backing is again installed adjacent to a runway or taxiway of the airport. A plurality of base and marking fibers are provided. The marking fibers visually define at least the portion of an airport marking that is visible from an aircraft landing at the airport. Additionally, the airport marking is sized and positioned proximate to the runway or taxiway to provide an aid to a pilot for landing the aircraft.

Again, the references do not disclose, teach or suggest installing an artificial turf that itself defines an airport marking and placing that turf next to a runway or taxiway. Further, the references fail to disclose providing a marking that can be seen from an airplane landing at an airport. Further, no reference discloses using artificial turf marking fibers as an aid for landing an airplane. Accordingly, Claim 59 and Claims 60 and 61 that depend therefrom are each patentable and allowable over *Friederich* and *Prevost*, alone or in combination.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the Applicants' attorney designated below.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY Robert W. Connors

Robert W. Connors

Reg. No. 46,639

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 807-4214